

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
CAPITOL RECORDS, LLC, <i>et al.</i> ,	:
	:
<i>Plaintiffs,</i>	:
v.	:
	:
MP3TUNES, LLC and MICHAEL ROBERTSON,	:
	:
<i>Defendants.</i>	:
-----X	

07 Civ. 9931 (WHP)

NOTICE OF MOTION *IN LIMINE* TO ESTABLISH CERTAIN FACTS FOR TRIAL

PLEASE TAKE NOTICE that, pursuant to the Revised Scheduling Order, dated July 3, 2013 (Docket No. 376), in the above captioned action, and upon the accompanying Memorandum of Law, Declaration of Ira S. Sacks, dated September 18, 2013 and the exhibits attached thereto, and all pleadings and prior proceedings had herein, the undersigned attorneys for Defendant Michael Robertson shall move this Court, before the Honorable William H. Pauley III, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Room 20B, New York, New York 10007, at a time set by the Court, for an order (1) establishing for trial the facts set forth in the Proposed Established Facts, (2) precluding Plaintiffs from introducing evidence to dispute these facts during trial, and (3) granting other and further relief as this Court finds just and proper.

Dated: New York, New York
September 18, 2013

Respectfully Submitted,

AKERMAN SENTERFITT LLP

By: /s/ Ira S. Sacks
Ira S. Sacks
Mark S. Lafayette
Vincent Y. Liu
Jamie B. Robbins
666 Fifth Avenue, 20th floor
New York, New York 10103

Telephone: (212) 880-3800
Facsimile: (212) 880-8965

Counsel for Defendant Michael Robertson